

I. Roll Call

Present: Chair Joe Cardello, Dr. Lucien Benoit, Bruce Santa Anna, Ed Magill, John O'Donnell.

Also present: Town Planner Michael Phillips and Assistant Town Solicitor Bob Rossi.

The Chair called the meeting to order at 7:00 pm.

II. Industrial Drive Development Master Plan – Modification to an approved master plan Phase I Owner/Applicant: Russell & Robert Branchaud - Location: 136 Industrial Drive- Assessor's Plat 5 Lot 76 Zoning: M (Manufacturing District)

Eric Brainsky, Attorney, addressed the Board to review the Master Plan modification. He stated that they are requesting to modify the Master Plan approval by adding a Phase Plan. Phase I would consist of proposed lots 3 and 4, each having frontage on North Smithfield Industrial Highway (NSIH). Lots 1, 2 and 5 which have access from an easement will be Phase II. Mr. Brainsky explained that they would like to proceed with DEM approvals for Phase I lots while they negotiate with the abutter about the location of the easement. Mr. Brainsky also explained that he will be asking the Board to modify the Master Plan condition that requires the applicant to provide evidentiary documentation that an access easement agreement is in place with the abutter, Plat 5, Lot 73 be modified so that it only applies to lots 1, 2 and 5.

Mr. Cardello asked Mr. Brainsky if the easement they are negotiating does not happen, does it land lock parcels. Mr. Brainsky replied that there is frontage remaining on NSIH after lots 3 and 4 are subdivided and they are confident that DEM would eventually permit an access drive along that section of frontage. Mr. Phillips confirmed that they would not be land locking the rear portion of the property.

Mr. Magill asked if the Board would be approving lots 1, 2 and 5 when 3 & 4 are approved. Mr. Brainsky replied that they would not because they are only looking for a modification of the Master Plan and lots 1, 2 and 5 will still be subject to the easement condition.

Mr. O'Donnell asked if they could make the easement condition apply when they come back for Preliminary approval of lots 3 & 4. Mr. Brainsky replied that that would defeat the whole purpose of the phase plan. There was side bar discussion between Mr. Rossi, Mr. Brainsky, Attorney Carl Levin representing the abutter JED Realty Associates, LLC and the Town Planner regarding the status of the negotiations for the easement.

Attorney Levin stated for the record that his client had no objection to the phase plan but does not agree with Mr. Brainsky that the parties are close to resolving the easement issue.

Dr. Benoit made a motion to exempt lots 3 & 4 from the Master Plan

condition requiring evidentiary documentation that an access easement agreement is in place with the abutter but that the condition still applies to lots 1,2 and 5 and that there would be no access to lots 1, 2 and 5 through lots 3 & 4. Mr. O'Donnell seconded the motion. Planning Board vote was as follows: AYE: Dr. Benoit, Mr. O'Donnell, Mr. Santa Anna, Mr. Cardello; NAY: Ed Magill. Motion passed, with a vote of 4-1.

Dr. Benoit made a motion to approve the Phase Plan as presented. Mr. O'Donnell seconded the motion. Planning Board vote was as follows: AYE: Dr. Benoit, Mr. O'Donnell, Mr. Santa Anna, Mr. Cardello and Mr. Magill. Motion passed, with a vote of 5-0.

III. Ocean State Development, LLC

Major Land Development Project– Master Plan & Admin. Sub-Div.

Owner/Applicant: Richard Desrosiers

Location: 594 Great Road

Assessor's Plat 5 Lots 61 & 297

Zoning: M & BN (Manufacturing District & Neighborhood Business)

(Continued from March 27)

Attorney Mark Krieger was present for the applicant. Mr. Krieger noted some of the changes made to the plans as a result of the discussions with the Board on March 27 and had Erin Gallogly from Marc Nyberg's office explain the changes in more detail. Ms. Gallogly reviewed the wall detail and some of the changes made to

the Landscape Plan.

Dr. Benoit asked that the plans reflect that a solid PVC fence is being constructed on top of the concrete retaining wall and not a picket fence. Ms. Gallogly confirmed that it would be a solid PVC fence after conferring with the owners. Ms. Gallogly listed other items added to the plans including details and specs for the Vortechs unit and discussed sediment storage capacity and the maintenance interval, which is no less than twice a year. Ms. Gallogly noted that the roof drains are piped into catch basin #3.

There was discussion of the 6' chain link fence being changed to a 4' metal fence along the top of the retaining wall between the upper and lower parking area and showing more detail of the curbing and wall along the driveway.

Chairman Cardello noted that the extra catch basin requested at the last meeting is not shown. Mr. Gadoury explained that after reviewing the matter he felt that an extra catch basin was not needed.

Mr. Cardello asked that they look at moving the Vortechs Unit forward into the parking area for easier installation and maintenance. Mr. Gadoury agreed to move the unit forward.

Mr. Phillips reviewed his findings regarding the catch basins in Great Road. It appears that there is some bypass flow around the catch

basin nearest the entrance driveway to the project but that this water is not going into the adjacent property rather it flows along a berm and is directed toward Branch Avenue where it is collected in the Town drainage system. Some modification to the berm and or pavement structure would be required to keep runoff from Great Road in the State drainage system.

Mr. Santa Anna made a motion to accept the Preliminary Plan with the condition that the details on the walls, curbing and fence be added or modified as discussed and that the plans reflect the new location of the Vortechs Unit. Mr. Magill seconded the motion, with all in favor.

IV. Ordinance Review

a) Soil Erosion/ Stormwater Pollution Prevention

After a brief discussion of the changes made to the Soil Erosion/ Stormwater Pollution Prevention ordinance, Mr. O'Donnell made a motion to recommend that the Town Council consider the adoption of the ordinance. Mr. Magill seconded the motion, with all in favor.

b) Illicit Discharge

Mr. Phillips explained that there were a few changes made to the ordinance based on the last discussion with the Board. Dr. Benoit stated that he would still like to see the term “storm sewer” changed to “storm drain” to avoid confusion. Mr. Phillips agreed to make the

change throughout the document. Mr. O'Donnell made a motion to recommend that the Town Council consider the adoption of the ordinance with the noted changes. Mr. Magill seconded the motion, with all in favor.

Mr. O'Donnell made a motion to adjourn at 8:35 pm, seconded by Mr. Santa Anna, with all in favor.

Respectfully submitted,

Michael Phillips, Town Planner